IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8326 OF 2005

Madhavi Sanjeev Pawar ...Petitioner

Vs.

Shivaji University, Kolhapur & Ors. ...Respondents

Mr.Amit B.Borkar for the Petitioner.
Mr.R.S.Khandeparkar h/f.Mr.R.G.Ketkar for Respondent No.1.
Mr.N.V.Bandiwadekar for Respondent No.4.

CORAM :- B.H.MARLAPALLE &
NARESH H.PATIL,JJ.

DATE : 7TH OCTOBER, 2006

P.C.

1. Heard Mr.Borkar the learned Counsel for the Petitioner. The Petitioner was interviewed for the post of Lecturer in English on 3rd August, 1999 along with other candidates and the Selection Committee constituted by the University prepared a panel of two candidates i.e. Respondent No.1 at the first preference and Respondent No.2 at the second preference. The Committee also noted that the Respondent No.4 has secured first class in B.A.Examination and second class in M.A.Examination (59%). The Committee also noted that Respondent No.4 was working as a Lecturer in the P.V.Patil Mahavidyalaya (Senior College) right from 1991. When she was interviewed, the Petitioner was working as a Lecturer in the Junior College of the very same Respondent i.e. Respondent No.3. The Selection and

appointment was approved by the University on 14th September,1992 and from 14th August,1991 Respondent No.4 was appointed as a Lecturer.

2. The Petitioner had approached this Court on the first ground in Writ Petition No.7449 of 2003 and the said Petition was disposed off by directing the Petitioner to approach the Grievance Committee, which she did and the Grievance Committee, after hearing the Petitioner by the impugned findings held that the appointment of Respondent No.4 was not vitiated on any grounds.

3. Mr.Shivaji Chandrappa Ghadage, Superintendent (Affiliation Section) of Shivaji University has filed his affidavit-in-reply on behalf of the University and stated that Respondent No.4 was at serial number No.1 and the Select Panel has been rightly approved by the University and therefore the challenge to her appointment cannot be entertained.

4. We have heard Mr.Borkar, the learned Counsel for the Petitioner and though she holds the qualification of M.Phil and D.Ed and even if she has more qualifications than Respondent No.4, that by itself would not be a reason to hold that Respondent No.4 was illegally appointed. As per the Government Resolution issued by the State of Maharashtra on 18th October,2001 the date for implementing the

qualifications prescribed by the University Grants Commission was December,1999 and the appointment of Respondent No.4 is thus protected. Therefore, the view taken by the University and the University Grievance Committee cannot be held to be illegal and in any case, Respondent No.4 had a better experience of teaching in the Senior College as compared to the Petitioner, who was teaching in a Junior College all along.

5. The Petition is rejected summarily.

(NARESH H.PATIL,J.) **(B.H.MARLAPALLE,J.)**